

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Request for Waiver by)	
)	
Ridgemont Public Library)	File No. SLD-246731
Mt. Victory, Ohio)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45 ✓
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Associations, Inc.)	
)	

ORDER

Adopted: March 31, 2003

Released: April 2, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Waiver Request filed by Ridgemont Public Library (Ridgemont), Mt. Victory, Ohio.¹ Ridgemont seeks a waiver of the Commission's rules governing the schools and libraries universal service support mechanism.² Specifically, Ridgemont requests waiver of the filing deadline for Funding Year 2001 because it misunderstood filing requirements.³ For the reasons set forth below, we deny the Ridgemont's Waiver Request.

2. Ridgemont concedes that it filed its FCC Form 471 after the filing window for Funding Year 2001 had closed January 18, 2001.⁴ Ridgemont filed its FCC Form 471 on February 2, 2001.⁵ Ridgemont attributes the delay to a misunderstanding about competitive

¹ Letter from Nancy J. Terrill, Ridgemont Public Library, to Federal Communications Commission, filed January 29, 2002 (Waiver Request).

² *Id.*

³ See Waiver Request. Previously, this funding period would be referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously would have been known as Funding Year 4, and is now called Funding Year 2001. The funding period which begins on July 1, 2002 and ends on June 30, 2003 is now known as Funding Year 2002, and so on.

⁴ See SLD website, What's New (November 2, 2000)
<<http://www.sl/universalservice.org/whatsnew/110200.asp#110200>>.

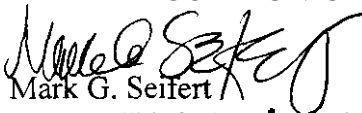
⁵ FCC Form 471, Ridgemont Public Library, filed February 2, 2001 (the electronic portion was submitted on January 30, 2001; the envelope containing the certification page and attachments was postmarked February 2, 2001).

bidding requirements.⁶ Ridgemont states that it was too late in the filing year when its staff realized that it had to file its FCC Form 470, and wait for a predetermined period for competitive bidding before the FCC Form 471 could be filed. It also notes its need for the funding.⁷

3. We find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁸ Misunderstanding of the rules is not a special circumstance warranting a waiver of the filing window.⁹ Neither is the threat that denial of funding may have a detrimental impact on a particular school or library.¹⁰ Therefore, we affirm the Administrator and deny the Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Requests filed by Ridgemont Public Library, Mt. Victory, Ohio, on January 29, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, @communications Access Policy Division
Wireline Competition Bureau

⁶ Waiver Request.

⁷ *Id.*

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis),

⁹ See *Reyes:for Waiver by Dermott Special School District, e: al, Federal-Slate Join: Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-252777, CC Docket Nos. 96-45 and 97-21, Order, DA 02-642 (Com. Car, Bur. rel. March 19, 2002).

¹⁰ See *Request for Review by Lansingburgh Central School District, Federal-Slate Join: Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-109845, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 6999 (Com. Car. Bur. 1999) ("To simply advert... to its limited resources and the needs of its students, does not distinguish its situation from other applications the SLD must process each funding year in accordance with its filing deadlines.").